

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

---

LUIS RAMIREZ,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:19-cv-5519
	:	
LILLIE GONZALEZ,	:	
Defendant.	:	

---

**ORDER**

**AND NOW**, this 24<sup>th</sup> day of June, 2020, upon consideration of this Gonzalez’s motion to dismiss for lack of subject matter jurisdiction, ECF No. 11, **IT IS HEREBY ORDERED THAT:**

1. Gonzalez’s motion to dismiss for lack of subject matter jurisdiction, ECF No. 11, is **GRANTED**.
2. The matter is **DISMISSED without prejudice** for lack of subject matter jurisdiction.  
The claim is dismissed without prejudice to be filed in state court.<sup>1</sup>
3. Ramirez’s motion for entry to default, ECF No, 12, is **DENIED as moot**.<sup>2</sup>
4. The matter is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

---

<sup>1</sup> “The period of limitations for any claim asserted under subsection (a) . . . shall be tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period.” 28 U.S.C. § 1367(d).

<sup>2</sup> The Court understands Gonzalez’s motion was untimely. However, defaults are disfavored, *see Harad v. Aetna Cas. & Sur. Co.*, 839 F.2d 979, 982 (3d Cir. 1988) (“[T]his Court has adopted a policy disfavoring default judgments and encouraging decisions on the merits”).